

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**FEDERAL TRADE COMMISSION, et ano.,**

**Plaintiffs,**

**– v. –**

**NEXT-GEN, INC., et al.,**

**Defendants.**

**CIVIL ACTION**

**NO. 4:18-CV-0128-BCW**

**PLAINTIFFS’ MOTION FOR TEMPORARY RESTRAINING ORDER WITH  
ASSET FREEZE, APPOINTMENT OF RECEIVER, LIMITED EXPEDITED  
DISCOVERY, AND ORDER TO SHOW CAUSE WHY A PRELIMINARY  
INJUNCTION SHOULD NOT ISSUE**

Plaintiffs Federal Trade Commission (“FTC”) and the State of Missouri having filed their Complaint for Permanent Injunction and Other Equitable Relief pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and Sections 407.020, *et seq.*, of the Missouri Merchandising Practices Act, move this Court for a temporary restraining order against Defendants Next-Gen, Inc.; Westport Enterprises, Inc.; Opportunities Unlimited Publications, Inc.; Opportunities Management Co.; Summit Management Team, LLC; Contest America Publishers, Inc.; Reveal Publications, LLC; AOSR Corporation, formerly known as Subscription Reporter Corporation, formerly known as Sweepstakes Reporter Co., Inc.; Lighthouse FLA Enterprises, LLC; Gamer Designs, LLC; Kevin R. Brandes; and William J. Graham (“Defendants”) in the form of the proposed order annexed hereto as Attachment 1. This Court is authorized to grant the requested relief by Section 13(b) of the FTC Act, 15 U.S.C.

§ 53(b); Section 407.100 of the Missouri Merchandising Practices Act; Federal Rule of Civil Procedure 65; and the All Writs Act, 28 U.S.C. § 1651.

In support of this motion, Plaintiffs respectfully refer the Court to their “Suggestions in Support of Plaintiffs’ Motion for a Temporary Restraining Order” and exhibits filed in support therewith. As set forth in the Suggestions, Defendants have engaged in deceptive acts and practices in connection with the distribution of sweepstakes and other prize mailers, in violation of Section 5 of the FTC, 15 U.S.C. § 45, and Section 407.020 of the Missouri Merchandising Practices Act. For reasons explained in the Suggestions, the FTC and State of Missouri are likely to succeed on the merits of each count of their Complaint and the balance of the equities weighs in favor of granting the relief sought.

WHEREFORE, Plaintiffs FTC and State of Missouri respectfully request that the Court issue a temporary restraining order against Defendants in the form of the proposed order annexed hereto as Attachment 1.

Respectfully submitted this 20th day of February, 2018,

DAVID C. SHONKA  
Acting General Counsel

JOSHUA D. HAWLEY  
Attorney General of the State of Missouri

s/Richard McKewen  
Richard McKewen, WSBA # 45041  
rmckewen@ftc.gov  
Sarah Shifley, WSBA # 39394  
sshifley@ftc.gov  
Federal Trade Commission  
915 Second Ave., Suite 2896  
Seattle, WA 98174  
Phone: 206-220-6350  
Fax: 206-220-6366

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

s/Nathan Atkinson  
Nathan Atkinson, MO Bar # 64704  
Assistant Attorney General  
nathan.atkinson@ago.mo.gov  
Robert E. Carlson, MO Bar #54602  
Assistant Attorney General  
bob.carlson@ago.mo.gov  
615 E. 13th Street, Suite 401  
Kansas City, MO 64106  
Phone: 816-889-3090  
Fax: 816-889-5006

Attorneys for Plaintiff  
STATE OF MISSOURI

TIMOTHY A. GARRISON  
United States Attorney

s/Charles M. Thomas

Charles M. Thomas, MO Bar #28522

charles.thomas@usdoj.gov

Assistant United States Attorney

Charles Evans Whittaker Courthouse

400 East Ninth Street, Room 5510

Kansas City, MO 64106

Phone: 816-426-3130

Fax: 816-426-3165

Attorneys for Plaintiff

FEDERAL TRADE COMMISSION